

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2007 JUN 29 PM 4: 50

CLERK
SO. DIST. OF GA.

JAMES L. HARDY, SR. and
EMMA L. HARDY,

Plaintiffs,

v.

SHEILA CAUTHEN and
JERRY M. SCREEN,

Defendants.

Case No. CV406-194

ORDER

The plaintiffs have filed a unilateral Rule 26(f) report, stating that no Rule 26(f) conference was held because defendant Jerry Screen has "refused to cooperate."

Rule 26(f) contemplates that the report be prepared *after* the parties have conferred, and the rule places on the "attorneys of record and all [unrepresented parties] that have appeared in the case" the joint responsibility of arranging the conference and submitting the written report outlining a proposed discovery plan. Fed. R. Civ. P. 26(f). Unilateral reports from one party are not allowed.

Our local practice requires that the conference be held within 20 days after the filing of the last answer but no later than 45 days after the first responsive pleading. L.R. 26.1(e). The parties then have 10 days to file their Rule 26(f) report. L.R. 26.1(b).

Unless defendant Screen is in state or federal custody,¹ he is required to participate in the Rule 26(f) conference. If a defendant fails to do so, then upon proper notice the Court may impose sanctions against him, including the striking of his answer. The parties who are prepared to conduct the Rule 26(f) conference and file the report may advise the Court of their inability to do so because of the noncooperating party, but they may not file a unilateral Rule 26(f) report.

Defendant is directed to attend and participate in the Rule 26(f) conference, which shall be held within 15 days of the entry of this Order. If he fails to do so, defendant is directed to show cause why sanctions should not be imposed because of his failure to participate in the conference required by Fed. R. Civ. P. 26(f). The parties shall submit their joint report

¹Pro se prisoner actions are not subject to the Rule 26(f) conference requirement. See Fed. R. Civ. P. 26(f) (exempting cases not subject to the initial disclosure requirements, including pro se prisoner actions per Rule 26(a)(1)(E)(iii)).

within 5 days after the Rule 26(f) conference.

SO ORDERED this 29th day of June, 2007.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA